

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicant's representatives Frank Starvel, Kenneth Cage and Lawrence Cullen during the interview on January 15, 2004.

During the interview, Applicants described the aspect of the invention which Applicants desire to pursue in the present application. Applicants presented the Examiner with a model of the invention in the form of a single sheet bearing a plurality of promotions and a bar code which, when read, could cause an appropriately configured system to identify each unused promotion on the sheet.

Applicants advised the Examiner that additional claims would be presented and numerous claims would be cancelled in the present response in order to more precisely claim the currently desired aspect of Applicant's disclosure. Applicants further explained that neither Schultz nor Day, taken alone or in combination, disclose or suggest to use a single promotion carrying device which bears a plurality of promotions which may be accessed by reading a single machine readable code.

II. Introduction

Claim 18 and 40-53 are pending in the above application.

Claims 1-17 and 19-39 have been cancelled without prejudice or disclaimer.

Claim 18 stands rejected under 35 U.S.C. §103(a).

Claims 18, 40 and 47 are independent claims.

II. Amendments

Claims 1-9, 11-17 and 19-39 have been cancelled without prejudice or disclaimer.

Claims 40-53 are newly added.

No new matter has been added. Support for claim 40 may be found in the specification at least as follows:

40. (New) A system for providing promotions comprising:

a promotion carrier which carries information corresponding to a plurality of promotions (pg 21), the promotion carrier having a machine readable code thereon which identifies the promotion carrier (pg 15), each promotion being associated with a product (pg 21), each product having a machine readable product code; (pg 14, 20, 21)

a reading device capable of reading the machine readable code and machine readable product codes, and configured to provide a data signal bearing information indicative of the identity of the promotion carrier and the identity of a plurality of selected products; and (pg 14, 20, 21)

a computer facility capable of receiving the data signal and configured to determine if the promotion carrier contains a redeemable promotion for a product of the plurality of selected products. (pg 20; 21-22)

Additionally support for the limitations of claims 41-46 may be found at least at the following respective locations: page 15; page 20; page 20, 21; page 23; pages 20, 22; and pages 30-31. Method claims 47-53 find support in at least these respective locations of the disclosure as well.

III. Rejection Under 35 U.S.C. §103

Claims 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz et al. (U.S. Pat. 5,056,019) (hereafter "Schultz") in view of Day et al. (U.S. Pat. 6,486,146) (hereafter "Day").

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co.*,

227 F.3rd 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01.

Neither Schultz nor Day, taken alone or in combination, disclose or suggest to use a reward offer which bears a plurality of offers for sale of a plurality of products which may be accessed by reading a single machine readable code, as required by amended claim 18. Schultz discloses an automated purchase reward accounting system and method in which members of the program receive a booklet of discounts and a membership card. See, abs. The consumer must present the member identification card 21 at the time of purchase to receive the offered promotions. See, col. 7: 5-19. Schultz does not disclose or suggest to use a reward offer which bears a plurality of offers for sale of a plurality of products which may be accessed by reading a single machine readable code.

Day discloses a system for offering targeted discounts to customers and collecting purchasing behavior data. Abs. Day also requires the use of a customer identification card to obtain the promotions. See, col. 4: 32-48. Day also does not disclose or suggest to use a reward offer which bears a plurality of offers for sale of a plurality of products which may be accessed by reading a single machine readable code.

Accordingly, as neither Schultz nor Day, taken alone or in combination, disclose or suggest all of the limitations of amended claim 18, the combination of Schultz and Day does not render amended claim 18 unpatentable.

IV. New Claims 40-53

New claims 40-53 are believed to be patentable because they are believed to recite a combination of features which are not believed to be disclosed or suggested by the prior art.

V. Conclusion

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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